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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 17 AM 1946
No. '08 MJ 1862

UNITED STATES OF AMERICA,

Plaintiff,

V.

Alejandro BARRAGAN-Alvarez,

Defendant

Magistrate Docket No. '08 MJ1786
(Related to Criminal Case No. 08MJ1786)

MATERIAL WITNESS COMPLAINT :

Title 18, U.S.C., Section 3144

The undersigned complainant, being duly sworn, states:

On or about **June 6, 2008** within the Southern District of California, **Alejandro BARRAGAN-Alvarez, did enter with** Defendant Jose Luis SALDANA-Rodriguez (charged elsewhere- 08MJ1786) as the Defendant was allegedly engage in the crime of Transportation of Illegal Aliens (in violation of Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii): in violation of Title 18 U.S.C., Section 3144.

The above named material witness is a citizen and national of Mexico with no legal right to enter or remain in the United States of America, and has no apparent means, with no legal right to enter or remain in the United States. Affiant further alleges that his presence is required as a material witness in order to prosecute the case against Jose Luis SALDANA-Rodriguez.

- And the complainant further states that he believes that said alien is a citizen of a country other than the United States, that said alien has admitted that he is deportable as defined in Title 8, United States Code, Section 1229, that it is impracticable to secure his attendance at the trial thereof by subpoena, that he is a material witness, and as such is entitled to the fees prescribed in Title 8, United States Code, Section 1227(d).

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **JUNE 2008**.

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Martha REYNA-Gilles, Maria Angelica HERNANDEZ-Salgado, Paul ARROYO-Magana**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 6, 2008, Border Patrol Agent M. Vargas was assigned line watch duties in the Imperial Beach Area of Operations. At approximately 5:00 a.m., the inside scope operator notified Agents in the field via Service radio of a large group of individuals running north in an area known as "East Smuggler's". "East Smuggler's" is located approximately three miles west of the San Ysidro, California Port of Entry and 200 yards north of the United States/Mexico International boundary.

Agent Vargas responded to the area and when he arrived, he encountered twenty-two individuals attempting to conceal themselves in some dense brush. Due to the close proximity to the border, and the scope observation Agent Vargas identified himself as a United States Border Patrol Agent and performed an immigration inspection. Each subject, including one later identified as the defendant **Jose Luis SALDANA-Rodriguez** and one later identified as the Material Witness in this complaint **Alejandro BARRAGAN-Alvarez**, freely admitted to being a citizen and national of Mexico illegally present in the United States and not in possession of any documents that would allow them to enter or remain in the United States legally. At approximately 5:42 a.m., all twenty two individuals, including SALDANA and BARRAGAN-Alvarez, were placed under arrest and subsequently transported to the Imperial Beach Border Patrol Station.

DEFENDANT STATEMENT:

Post Miranda advisement SALDANA admitted to being a citizen of Mexico without the proper immigration documents that would allow him to or enter or remain in the United States. SALDANA stated that prior to today's event; he had previously crossed illegally into the United States on May 24th, 2003. SALDANA stated that on the morning of June 6, 2008 he had entered the United States illegally over the fence and through the hills with his destination being San Diego, California. When asked if he had any fear of returning to Mexico, he stated that he was afraid of returning to being poor.

When told by Agent Nava that he had been apprehended with 22 illegal aliens, SALDANA stated that there were actually 33. SALDANA denied guiding in this event but stated that he was tasked with upon arriving to the load house, to transport the group from San Diego California to Los Angeles, California. SALDANA also stated that he was not being charged to cross as he was part of the smuggling operation. He admitted to knowing the location of load houses in San Diego and in Los Angeles. SALDANA admitted that on June 5th, 2008, he was apprehended at the San Clemente Border Patrol checkpoint transporting six undocumented aliens. SALDANA stated that in that event, he was to be paid \$200.00 USD by an individual named "Tony" for transporting the group to Los Angeles. SALDANA once again freely admitted to being a smuggler and being a member of a smuggling organization.

Saldana requested that Alejandro BARRAGAN-Alvarez be held as a material witness on his behalf.